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U.S. Department of Transportation
Docket Operations
West Building Ground Floor, Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590

Subject: Supporting comments/information for docket FAA-2008-0950

Reference: FAA-2008-0950

To Whom It May Concern:

Happy New Year! May 2009 be a great year for safety and progress for the DOT and the FAA.

On August 28, 2008 I submitted a petition for Exemption and Rulemaking that subsequently has been assigned to docket FAA-2008-0950. This was a multipart petition that was submitted as such due to their close relationship within the scope of the relief requested and the request for new rulemaking.

As I am quite new to this process of “petition” for Exemption and Rulemaking I hope that I have not made any mistakes or omissions that may hinder, prolong or complicate this process for all parties involved. The local FSDO, the EAA and the AOPA along with other examples of petitions, found within the Regulations.gov website, including the FSIMS (8900.1), Volume 3, Chapter 2 were all valuable resources that assisted me when I formulated my above referenced petition.

As clearly stated in Volume 3, Chapter 2, Section 1, paragraph 3-29 of the FSIMS; there is specific criteria required to properly submit a petition. Some examples of these items are:

How soon a petition should be submitted before the proposed effective date

Serious consideration should be given to items listed in §11.81

Frivolous or ill-prepared petitions waste time and resources

Identify and explain reasons why a grant of exemption would be in the best “public’s interest”

A reduction in operating costs is NOT an acceptable reason for the FAA to grant an exemption

Each petition should be “well conceived” and in writing.

I have no formal legal training; I am simply a small business owner that also happens to be a pilot. Therefore, I respectfully hope that any possible mistakes or omission that may have been committed can quickly be excused and my petition can be processed in an efficient manner. As stated in my petition, I am here to assist the DOT and the FAA as much as possible and to assist in the reduction of any unnecessary workload.

As previously stated, I submitted a “multipart” petition due to their relative nature. If I were not a layman I probably should have submitted multiple petitions that included a “proposed effective date”-

Petition 1) A petition for exemption for myself, Mark A Boyce, from 14 CFR §61 Subpart F to allow myself to obtain a Commercial Pilot Certificate in the Powered Parachute category of aircraft (allow me to fly for compensation or hire- excluding “common carriage”).

Petition 2) A petition for exemption from 14 CFR §61.113 to allow any Commercial or Private Pilot or Part 61 Flight Instructor with a Powered Parachute category rating, to fly for compensation or hire (excluding common carriage) until the creation of a Commercial pilot certificate for the Powered Parachute.

Petition 3) A petition for the creation of a Commercial Pilot Certificate for the Powered Parachute category of aircraft.

I submitted these requests within a single petition and although I did not request an “effective date” for my exemption, I knew that some requests would take longer than others. I was informed by individuals familiar with the “Rulemaking” process that I could receive an exemption in as little as 40 days but that the creation for the Commercial Powered Parachute Certificate could take between 3 and 5 years. A good example of why I submitted the three petitions simultaneously is this- If “petition 2” was granted for Commercial Pilots, Part 61 Flight Instructors and Private Pilots with a Powered Parachute rating, then “petition 1” (for myself) would be abrogated, unnecessary and no longer needed because I am one of the very few (approximately 13) Private Powered Parachute Pilots.

I clearly believe that my petition is:

- Not frivolous or ill-prepared
- Very considerate of §11.81

- Well within the public's best interest and safety (and although this petition was submitted by an individual, there are many people "waiting in the wings" to help and support such an exemption and rulemaking. I asked many of these people to be patient and wait for your response before sending any more paperwork to your office)
- Well conceived and in writing

I present this additional information because what I wish to discuss at this point is not directly related to a "reduction in operating costs" (which could be subject to a denial) but an increase in revenue and profits, not just for me but for the greater public.

As of this moment, except for flight training a powered parachute can NOT be legally used for any commercial, money making, venture or operation. There may be pilots who bend these rules to benefit themselves monetarily speaking. Virtually all "Discovery Flights" offered by Sport Pilot Instructors could be considered "common carriage" if that "potential student pilot" never sits in a powered parachute again. Aerial photography, search and rescue and aerial promotion are all operations currently being conducted in LSA's- but not for compensation unless you work in law-enforcement and claim "public aircraft".

While a "reduction in operating costs" is NOT a valid reason for exemption, a parallel view of increasing revenue (from zero that is) may be a very valid reason for exemption. Please allow me to highlight some very ugly information that is affecting our country's "public interest" at this time:

Bloomberg News reports-

- "By some measures, 2008 was the worst year any American under the age of 70 has ever seen."
- "The loss of jobs in the US may be the biggest since the end of World War II."
- "The 2008 declines in stock and home prices haven't been exceeded since the Great Depression."
- "The slump in holiday spending may set a record; foreclosures already have."
- "The share of mortgages 30 days or more overdue hit an all-time high in 2008"

I fully intended to discuss this economic data in greater detail, but it's so depressing to even read this stuff. I doubt any person who reads this has been able to escape the bad news rapidly flowing out of our radio and television sets and they are telling us "the worst is yet to come!".

My wife and I were truly blessed in 2008 with a newborn son and the poor kid not only came into the world naked, but he already owes about \$35,000 to \$40,000 in debt- that's his equal share of the nearly 10 TRILLION National Debt for each citizen, you, me, my son and everyone!

The aviation sector of the economy has always seemed to be cursed, with airlines frequently filing for bankruptcy and not able to compete for one reason or another. The price of fuel during the 2008 “rollercoaster ride” hurt the airlines and general aviation very badly and now that the price of crude has dropped 60 to 70% from its all time high and air-fares are now less expensive it seems that nobody can afford to fly because of reasons unrelated to the price of gas.

I do not have current numbers, but I am quite certain that the numbers of “movements” or “operations” at airports are down, especially at airports where much flight training is conducted. Arizona has been blessed with pretty good “flying weather” over the past century; therefore we have many flight schools. I would guess that Arizona ranks higher than most other states in the country when it comes to flight training (Florida must also rank high on that list). If you happen to fly into KFFZ, KCHD, KDVT, KIWA or KSDL most pilots on frequency are foreigners from India, China or Europe. It appears they are the only ones who can afford to learn how to fly in this economy. At least on the “tower frequencies” they (try to) speak English, come on out to Arizona some weekend and tune to 123.450 and you won’t know what to think unless you speak Chinese or some other foreign language (which indecently, the FCC informed me that it is OK to speak “other than English languages” on the aviation band of frequencies [FCC Case# 1101822]).

While I reluctantly return to the “negative news” about the economy, on a personal note it’s even worse. I have owned and operated a successful auto-glass business for over 13 years. I have employed numerous people and I have paid plenty of taxes. Unfortunately my business is tied to the “Big 3” and the insurance industry. I probably don’t need to inform you about GM, Chrysler or Ford, but the insurance companies are hurting and trimming back too. Why does that matter? Well, my 13 year old business is just like many Wall Street Firms, Banks and Auto Manufacturers it needs a “Bailout” or a “Bridge-loan”! Unfortunately, I don’t have any friends in “high places” who can get my auto-glass business on the list of payees from our Trillion dollar bailout.

An exemption for myself to be able to fly for compensation and hire, in my powered parachute, would definitely benefit me during this economic down-turn; but just one small step further by the FAA and the FAA could actually create many jobs across the country. An exemption for Commercial Pilots, Part 61 Flight Instructors and Private powered parachute pilots to be able to fly for compensation or hire, will NOT create thousands or millions of jobs for all those who lost there’s last year but it could create quite a few. More importantly you, the FAA, would be able to attract knowledgeable “full-fledged” Part 61 Flight Instructors to the powered parachute sector of aviation. Many of these knowledgeable Part 61 Flight Instructors are twiddling their thumbs due to this economy and an opportunity to make a few bucks flying a powered parachute is better than standing in an unemployment line!

With a nation wide group of “over-qualified Part 61 Flight Instructors” getting involved in the powered parachute category of aircraft because they can actually make a buck or two flying in a commercial manner, the DOT, FAA, Mark Boyce and all these pilots can obtain the knowledge and experience necessary to help establish the criteria, requisites and aeronautical knowledge necessary to assist the FAA in the creation of the Commercial Certificate for the powered parachute with a minimum increase in the FAA’s workload. A nation wide group of experienced pilots with a Part 61 Flight Instructor or Commercial Pilot’s knowledge and experience base will be able to raise the bar for safety

and instruction making the entire powered parachute sport safer and more affordable for all. Our country will be able to manufacture and sell more aircraft and other businesses and Government entities can save money. It is all spelled out in my petition. The Commercial Powered Parachute is a necessity for many municipalities and Government agencies. More Part 61 Flight Instructors are needed. The economy needs all the help it can get and if it's going to get worse, the sooner action is taken the better.

Naturally I hope the approval of my "petition 1" and/or "petition 2" will shortly be forthcoming from your office and I wish to thank you kindly for your time and consideration on these matters. I have been "standing by" virtually 24 hours a day waiting to help this process in any way I can since August 2008 and will remain ready for as long as it takes. I have had plenty of people try to tell me how I can "get around" the regulations and accomplish some of the tasks of a Commercial pilot in a powered parachute, but I have no interest in "getting around" the regulations but abiding by them as best I can. I believe the regulations are there for a reason, a good reason, and I will continue to pay my respects to those who have lost their lives in aviation that subsequently resulted in better regulations and safety.

Name and Contact Information of Petitioner

Respectfully Submitted,

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